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Counsel for Plaintiff Multiut Corporation

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

1 IT IS HEREBY STIPULATED, by and between the parties to this action, plaintiff
2 Multiut Corporation and defendants Dynegy Inc. and Dynegy Marketing and Trade,
3 through their designated counsel that the action, *Multiut Corp. v. Dynegy Inc.; Dynegy*
4 *Marketing and Trade*, Case No.: CV-S-05-1300-PMP (PAL), be and hereby is **dismissed**
5 **with prejudice** pursuant to Federal Rules of Civil Procedure 41(a)(1).

6 * * *

7 Michael J. Kass, as signatory hereto, attests that the other party on behalf of whom
8 this filing is made has agreed to affix his signature to this filing.

9 Dated: January 23, 2011

PILLSBURY WINTHROP SHAW PITTMAN LLP

11 By: //s// Michael J. Kass
12 Michael J. Kass
13 50 Fremont St.
14 San Francisco, CA 94105

15 Attorneys for Defendants Dynegy Inc. and Dynegy
16 Marketing and Trade

17 Dated: January 23, 2011

18 ALAN J. MANDEL, LTD.

19 By: //s// Alan J. Mandel
20 Alan J. Mandel
21 7520 Skokie Boulevard
22 Skokie, Illinois 60077

23 Counsel for Plaintiff Multiut Corporation

24 **IT IS SO ORDERED.**

25 Dated: _____

26 _____
27 The Honorable Philip M. Pro
28 U.S. DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2012, a true and correct copy of

STIPULATION OF DISMISSAL WITH PREJUDICE AND PROPOSED ORDER

was electronically transmitted to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to all ECF registrants in this case.

//s// Michael J. Kass

Michael J. Kass